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PATENT

Attorney Docket No. 32892-00023



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Peter J. Manso, Reg. No. 32,264

9-21-2001  
September 21, 2001  
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(5 mo)  
clm  
9-21-01

In re Application of: Eugenio A. Cefali  
Serial No.: 08/960,557  
Filing Date: October 31, 1997  
Group Art Unit: 1615  
Examiners: J. Spear  
Title: **METHODS OF TREATING HYPERLIPIDEMIA WITH  
INTERMEDIATE RELEASE NICOTINIC ACID  
COMPOSITIONS HAVING UNIQUE  
BIOPHARMACEUTICAL CHARACTERISTICS**

Box Amendment  
Commissioner of Patents  
Washington, D.C. 20231

September 21, 2001

Sir:

TRANSMITTAL

Transmitted herewith are the following documents and fee:

- 1. Amendment (two pages); and
- 9. Post Card.

\_\_\_\_ Please charge to Deposit Account No. \_\_\_\_\_ with the fee in the amount of \_\_\_\_\_. Please charge any deficiency or credit of overpayment to Deposit Account No. \_\_\_\_\_. This sheet is attached in duplicate.

\_\_\_\_ A check in the amount of \_\_\_\_\_ is attached for payment of the Preliminary Examination Fee and Handling Fee. Please charge any deficiency or credit any overpayment to Deposit Account No. \_\_\_\_\_.

X The Commissioner is hereby authorized to charge payment of the following fees, including any and all filing fees, recordation fees, and extension of time fees, concerning this communication or other communications involving this application for U.S. patent, or to credit any overpayment to Deposit Account No. 04-1105/38292.00023. This sheet is attached in duplicate.

— Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.

X Any additional patent application processing fees under 37 CFR 1.17, including this request for a five-month extension of time, and under 37 CFR 1.28(d).

Respectfully Submitted,

Date: September 21, 2001

Peter J. Manso  
Reg. No. 32,264

Edwards & Angell, LLP  
600 Corporate Drive  
Suite 514  
Ft. Lauderdale, FL 33334  
(954) 491-8050 (Office No.)  
(954) 351-7175 (Fax No.)

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Commissioner of Patents  
Washington, D.C. 20231

September 21, 2001

Sir:

**AMENDMENT**

This is responsive to the Office Action mailed on March 21, 2001 in connection with the above-identified application for U.S. patent.

**In the Claims:**

Kindly amend claim 9 as follows:

(9)(AMENDED) In claim 9, in line 12, please cancel without prejudice, the subject matter in line 12 per the Examiner's suggestion set forth in the office action dated March 21, 2001.